

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF THE TTAB FEB. 24, 00

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Charmay, Inc. d.b.a.  
ServiceMaster of Alexandria

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Serial No. 75/223,870

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Jim Zegeer for Charmay, Inc. d.b.a. ServiceMaster of  
Alexandria.

Alec Powers, Examining Attorney, Law Office 105  
(Thomas G. Howell, Managing Attorney).

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Before Simms, Quinn and McLeod, Administrative Trademark  
Judges.

Opinion by Simms, Administrative Trademark Judge:

Charmay, Inc. d.b.a. ServiceMaster of Alexandria  
(applicant), a Virginia corporation, has appealed from the  
final refusal of the Trademark Examining Attorney to  
register the mark THE RESTORATION INSTITUTE for educational  
services, namely, conducting conferences regarding  
innovation and technological advances in the field of  
building restoration for insurance and property management

professionals.<sup>1</sup> The Examining Attorney has refused registration under Section 2(e)(1) of the Act, 15 USC §1052(e)(1), arguing that applicant's mark is merely descriptive of its services. Applicant and the Examining Attorney have submitted briefs but no oral hearing was requested.

We affirm.

Relying upon dictionary definitions of "restoration" ("a renovated structure, as a building") and "institute" ("an educational institution"), the Examining Attorney argues that "restoration" describes the featured topic or subject matter of applicant's services - building restoration - and that "institute" describes a place of learning where applicant provides its seminars for insurance and property management professionals. It is the Examining Attorney's position that the combination of these words does not create a separate and distinct meaning; that is, the meaning conveyed by the combined terms is, according to the Examining Attorney, no different from the meaning of the individual components. These words, according to the Examining Attorney, merely describe the place and subject matter of the curriculum or program

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<sup>1</sup> Application Serial No. 75/223,870, filed January 10, 1997, claiming use since November 15, 1996.

offered by applicant. Further, in the view of the Examining Attorney, in the context of applicant's educational services, no imagination, thought or perception is required for consumers to determine that the subject matter of applicant's educational services or seminars is the field of restoration.

Applicant, on the other hand, while conceding that "there may be a hint or suggestion of the services" (brief, 2), argues that its mark is "arbitrary and fanciful." Applicant maintains that its mark does not immediately tell potential purchasers that applicant's services are educational services such as conducting conferences in the field of advances in building restoration. Applicant also argues that thought and imagination is needed to link the mark to applicant's services. Applicant contends that the mark does not project a readily understood significance to insurance and property management professionals and that, in addition, the mark sought to be registered is not in common usage by competitors.

The question of whether a mark is merely descriptive must be determined, not in the abstract, but rather in relation to the services for which registration is sought, the context in which the mark is used in connection with those services and the possible significance which the mark

would have because of the context in which it is used. An examination of the specimens of record shows the asserted mark used in connection with "Disaster Restoration Training." One of applicant's fliers indicates that "the Restoration Institute is dedicated to providing educational programs for insurance and property management professionals regarding innovative and technological advance in restoration services." The topics covered by applicant's seminars include "Restoration vs. Replacement" and "Disaster Restoration Technology & Application."

Upon careful consideration of this record, we agree with the Examining Attorney that applicant's mark merely describes applicant's educational services in the field of building restoration. The mark merely describes the subject matter and place of applicant's conferences regarding building restoration. We agree with the Examining Attorney that, in the context of use in connection with applicant's services, no imagination or thought is required for potential purchasers to determine that the subject matter of applicant's educational seminars is (building) restoration.

**Ser. No.** 75/223,870

Decision: The refusal of registration is affirmed.

R. L. Simms

T. J. Quinn

L. K. McLeod  
Administrative Trademark  
Judges, Trademark Trial  
And Appeal Board